

TLC

**Notice of Allowability**

Application No.

10/786,385

Applicant(s)

WHEATLEY ET AL.

Examiner

James S. Hogan

Art Unit

3752

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed.
2. ☒ The allowed claim(s) is/are 1-8, 11, 13-17, 19-22, 24-32, 34-43, 47-51, 58, 59 and 66-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                    |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>11/27/2005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                      |
|   | 9. <input type="checkbox"/> Other _____  |

## DETAILED ACTION

### EXAMINER'S AMENDMENT

The application, in the claims, has been amended as follows:

37. (currently amended) An air freshener device comprising;

a) a pad with a tacky attachment surfaces ~~configured to contact and cling~~  
capable of contacting and clinging to a support surface by mechanical or specific  
adhesion;

b) a carrier material, coupled to the pad, that is flexible and compressible  
under an applied force, and resilient and substantially returnable to an original  
configuration upon removal of the applied force; and

c) a scent material, interspersed within the carrier material, capable of  
diffusing out of the carrier material to surrounding air; ~~and~~

d) the carrier material being a thermoplastic elastomer selected from the  
group consisting of polyurethanes, polyamides, copolyesters, and styrene  
butadiene styrene polymers, elastomer/thermoplastic blends, and combinations  
thereof.

e) the polymer carrier material being light transmissive in at least a  
translucent manner such that the indicia is visible through the polymer carrier  
material

42. (currently amended) A device in accordance with claim 37, further  
comprising:

indicia, disposed between the polymer carrier material and the pad; ~~and~~

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~~the polymer polymer carrier material being light transmissive in at least a translucent manner such that the indicia is visible through the polymer carrier material~~

44. (cancelled)

45. (cancelled)

46. (cancelled)

52. (cancelled)

53. (cancelled)

54. (cancelled)

55. (cancelled)

56. (cancelled)

57. (withdrawn).

74. (cancelled)

75. (cancelled)

### ***Allowable Subject Matter***

Claims 1-8, 11, 13-17, 19-22, 24-32, 34-43, 47-51, 58, 59 and 66-73 are allowed.

### ***Conclusion***

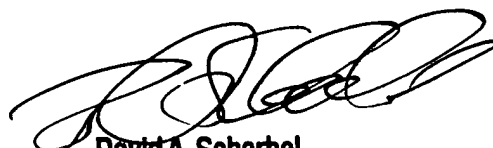
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH  
11/25/05



**David A. Scherbel**  
**Supervisory Patent Examiner**  
**Group 3700**